

Notice of Allowability	Application No.	Applicant(s)	
	10/088,415	TAWADA ET AL.	
	Examiner	Art Unit	
	Andrea D Small	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/15/2003.
2. ☒ The allowed claim(s) is/are 1-12 and 14, renumbered 1-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>2</u> . | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____. |

DETAILED ACTION

I. Preliminary Matters:

(a) Applicants claim that this application is a 371 of PCT/JP00/06302 and foreign priority to Japan 11/262470 and 2000/81823 is acknowledged.

(b) Claims 1-16 are pending.

II. Remarks Regarding Restriction:

(a) Applicants elected to prosecute the invention of group I, claims 1-12 with traverse. The traversal was with regard to Group III, claim 14 only and NOT to the other groups which include claims 13, 15 and 16. The traversal was on the grounds that although group III is drawn to making a different product than group I, group III, claim 14 employs the same method as step 1 of the process as that of the process claimed in claim 1, therefore, if claim 1 is found to be allowable, claim 14 would also be allowable. The Examiner agrees in so far as group I, claims 1-12 were found to be allowable. In view of the fact that these claims have in fact found to be allowable, claim 14 has be regrouped with group I and the traversal with regard to claim 14 is moot. The restriction of claims 13, 15 and 16, not having being traversed, however, have been withdrawn from consideration as being drawn to non-elected inventions. 37 CFR 1.142(b).

III. Examiner's Amendment:

An examiner's amendment is attached canceling the non-elected claims 13, 15 and 16. This application is in condition for allowance except for the presence of claims 13, 15 and 16 drawn to non-elected without traverse. Accordingly, claims 13, 15 and 16 been cancelled. MPEP 809.02.

IV. Reasons for Allowance:

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Applicants claims relate method of preparing 2-oxo-1,3-oxazole compounds according to claim 1 and 14. The art of record, does not teach or fairly suggest the reaction between the 2-oxo-1,3-oxazole compound and an olefin as is instantly claimed. Therefore, claims 1-12 and 14, renumbered 1-13 are allowed.

V. Contact Information:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea D. Small, whose telephone number is (703) 305-0811. The examiner can normally be reached on Monday-Thursday from 8:30 AM - 7:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (703) 308-4537. The Unofficial fax phone number for this Group is (703) 308-7921. The Official fax phone numbers for this Group are (703) 308-4556 or 305-3592.

When filing a FAX in Technology Center 1600, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Joseph.McKane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-1234

Andrea D. Small, Esq.
August 8, 2003



Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626
Technology Center 1

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EXAMINER'S AMENDMENT TO THE CLAIMS

Please cancel claims 13, 15 and 16.

A handwritten signature in cursive script, reading "Joseph K. McKane", is positioned above a horizontal line.

Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626